

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

ORDER OF DISMISSAL
PURSUANT TO FED. R. CIV. P. 12(h)(3)

IT IS HEREBY ORDERED that plaintiff's complaint is **DISMISSED**, without prejudice, pursuant to Fed. R. Civ. P. 12(h)(3).

IT IS HEREBY CERTIFIED that an appeal from this dismissal would not be taken in good faith. See 28 U.S.C. § 1915(a)(3).

Dated this 27th day of October, 2011.

/s/Jean C. Hamilton
JEAN C. HAMILTON
UNITED STATES DISTRICT JUDGE